

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018-2-E

IN RE: Annual Review of Base Rates for)	
Fuel Costs for South Carolina)	
Electric & Gas Company)	PETITION FOR REHEARING
)	AND/OR RECONSIDERATION
)	
)	

The South Carolina Solar Business Alliance, Inc., (“SCSBA”), pursuant to S.C. Code Ann. § 58-5-330 (as amended) and 26 S.C. Ann. Regs. 103-825 (Supp. 2010), respectfully requests that the Public Service Commission of South Carolina (“Commission”) grant rehearing and/or reconsideration of this Commission’s **decision** in the above-referenced Docket, issued on April 4, 2018, received by SCSBA on April 5, 2018, and memorialized in a Directive Order dated April 4, 2018. See, S.C. Code Ann. § 58-5-330, “Within twenty days after an order or **decision** is made by the commission, any party to the action or proceeding may apply for a rehearing as to any matter determined in the action....” (Emphasis supplied). SCSBA’s Petition for Rehearing and/or Reconsideration follows.

1. In its decision, this Commission stated, “Given all the circumstances, I move that we deny the [SCSBA’s] motion.”

2. During this Commission’s Agenda session on April 4, 2018, the Docket reader apparently failed to publish to the nonmoving Commissioners and to place on the Record, that SCSBA’s Motion to Bifurcate Issues was supported, as to that part of SCSBA’s Motion to Bifurcate related to, “a change in avoided cost methodology”, by counsel for the Office of Regulatory Staff (“ORS”). ORS’ e-filed support stated, *inter alia*, “Therefore, ORS recommends the Commission grant SBA’s request that SCE&G’s request to change the avoided cost methodology be bifurcated from the fuel proceeding.”, (e-filed with the Commission on April 2, 2018.)

3. Also during this Commission’s Agenda session on April 4, 2018, the Docket reader also apparently failed to publish to the nonmoving Commissioners and to place on the Record, that SCSBA’s Motion to Bifurcate Issues was supported by counsel for both the Southern Alliance for Clean Energy and the South Carolina Coastal Conservation League, by their e-filing with the Commission on March 28, 2018.

4. This Commission made reference in its decision that SCSBA was on notice as to South Carolina Electric & Gas Company's ("SCE&G") intentions, by reference to this Commission's establishment of this Docket on October 4, 2017 and a reference to a December 17, 2017 date. Obviously, both dates **predated** SCE&G's notice to this Commission and others that SCE&G was requesting to **change their avoided cost methodology, which Notice did not occur until December 22, 2017.**

5. Also on the issue of notice referenced by this Commission in its decision, please consider the following. **Factually, SCE&G did not provide the substance and extent of SCE&G's proposed "change" in avoided cost methodology until SCE&G actually filed its Direct Testimony on February 23, 2018.**

6. SCSBA respectfully believes that this Commission's decision shows that this Commission was conflating the Commission's requirement to annually consider changes in inputs/values of avoided costs, with the actual facts of this matter and SCE&G's more drastic request for, "**a change in methodology**". Obviously, **SCSBA's Motion did not ask** this Commission to bifurcate its consideration of SCE&G's avoided costs, which is entirely proper. Instead, SCSBA's Motion on its face, only requested the bifurcation of the issue of, "**a change in avoided cost methodology**". For example, the fourth paragraph of this Commission's decision states that the Commission is "required" to include avoided costs in a fuel case, as support for the Commission's decision. SCSBA understands the requirement for this Commission's annual review of, "avoided costs", but this Commission is not required to consider "a change in avoided cost methodology", in SCE&G's fuel case.

7. Finally, this Commission's decision states that the previous decision allowing changes in avoided costs methodology, was not challenged. SCSBA believes that the previous Commission decision would have been interlocutory, as to any attempt at an appeal, and would prevent the same, (which would obviously be SCE&G's and the Commission's position on such an appeal). It would only have been appealable, under South Carolina law, if the Commission's decision affected the mode and manner of trial or finally settled some right. Clearly that was not the case, namely the inclusion of a single issue, in a future hearing. Also, in an appeal from this Commission there would be no automatic stay of the issue under appeal. The filing of an appeal may not have been decided until one or more years in the future, after the matter was long decided, and would have been an exercise in futility.

CONCLUSION

Based on the foregoing, and in the interest in providing due process to the Petitioner, this Commission should rehear and/or reconsider this matter and issue its decision bifurcating the single issue of SCE&G's request to **change** its avoided cost methodology, from this fuel Docket. As stated in SCSBA's Motion, this Docket may continue as envisioned by this Commission's scheduling SCE&G's annual fuel case, inputs can be made and a fuel factor can be determined, the planned Hearing on April 10, 2018, may be held as scheduled and the new fuel factor may go into effect in the first billing cycle of May, 2018, as is customary. This Commission should also grant such other and further relief as it deems appropriate.

Respectfully Submitted,

/s/

Richard L. Whitt,
Timothy F. Rogers,
AUSTIN & ROGERS, P.A.
508 Hampton Street, Suite 300
Columbia South Carolina, 29201
(803) 256-4000
Counsel for the South Carolina Solar Business
Alliance.

April 6, 2018
Columbia, South Carolina